

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DOLORES GRANILLO, et al.,

Plaintiffs,

v.

FCA US LLC,

DEFENDANT.

Civ. Action No.: 3:16-cv-153-FLW-DEA

CLASS ACTION

**DECLARATION OF MARK A. OZZELLO IN SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION FOR ATTORNEYS' FEES AND
COSTS/EXPENSES**

I, Mark A. Ozzello, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am counsel of record for Plaintiffs Dolores and Albert Granillo and the Settlement Class. I submit this declaration in support of the unopposed Motion for Attorneys' Fees and Costs/Expenses ("Motion"). Plaintiffs respectfully request that the Court grant the Motion its entirety and award \$1,255,000 in attorneys' fees and litigation costs and expenses.

2. I joined Capstone Law APC ("Capstone") on January 22, 2019 as Senior Counsel, and have succeeded Mr. Jordan Lurie (who is no longer employed by the firm) as the director of Capstone's consumer litigation division. A true and

correct copy of my CV is attached as Exhibit 1.

3. Based on information and belief, as of January 8, 2019, Capstone's attorneys billed a total of 1,749.2 hours to litigate and settle this matter.

4. In the exercise of billing judgment, I directed my attorneys to write off approximately 35 hours of this time so as to minimize billing inefficiencies (i.e., billing for administrative or ministerial tasks that might otherwise have been performed by staff) and redundancies. I also directed my attorneys to write off approximately 2.2 hours of time billed by Mr. Lurie during the July to September 2018 time period and as discussed in chambers. The table below summarizes the total hours billed by Capstone's attorneys following this requested write-off.

<u>Adjusted Lodestar as of January 8, 2019</u>				
Name	Title	Rate	Hours	Lodestar
Jordan Lurie	Fmr. Of Counsel	\$725	248.4	\$180,090.00
Raul Perez	Partner	\$725	49.7	\$36,032.50
Robert Friedl	Senior Counsel	\$695	35.5	\$24,672.50
Ryan Wu	Partner	\$625	189.1	\$118,187.50
Tarek Zohdy	Senior Counsel	\$525	389.7	\$204,592.50
Eduardo Santos	Senior Counsel	\$495	23.4	\$11,583.00
Karen Wallace	Fmr. Associate	\$395	112.6	\$44,477.00
Cody Padgett	Associate	\$370	253.1	\$93,647.00
Trisha Monesi	Associate	\$295	131.2	\$38,704.00
Jordan Carlson	Associate	\$295	87.8	\$25,901.00
Brooke Waldrop	Associate	\$245	193.9	\$47,505.50
Total			1714.4	\$825,392.50

5. Based on my personal review of a summary of Capstone's billing records since January 8, 2019, Capstone's attorneys have been required, as class

counsel, to incur an additional 254.3 hours to supervise the administration of the settlement; draft and file a response to the nineteen objections to the settlement (filed on January 30, 2019), respond telephonically, and via email and written correspondence, to Class Members' inquiries about the settlement and to advise them on their rights thereunder. Obviously, I was required to prepare for (and travel to and back from) the Final Approval Hearing; and the attorneys at Capstone along with my input and guidance, were required to draft this supplemental memorandum of points and authorities in support of the Motion. This additional time is summarized in the table below.

<u>Lodestar from January 9, 2019 to Present</u>				
Name	Title	Rate	Hours	Lodestar
Mark Ozzello	Senior Counsel	\$725	49.3	\$35,742.50
Ryan Wu	Partner	\$625	16.8	\$10,500.00
Tarek Zohdy	Senior Counsel	\$525	45.2	\$23,730.00
Eduardo Santos	Senior Counsel	\$495	58.3	\$28,858.50
Theresa Carroll	Senior Counsel	\$495	52.8	\$26,136.00
Cody Padgett	Associate	\$370	16.4	\$6,068.00
Jordan Carlson	Associate	\$295	0.8	\$236.00
Brooke Waldrop	Associate	\$245	14.7	\$3,601.50
Total		254.3		\$134,872.50

6. Capstone's cumulative time is summarized in the table below.

<u>Cumulative Lodestar (From Case Inception to Present)</u>				
Name	Position	Rate	Hours	Lodestar
Jordan Lurie	Fmr. Senior Counsel	\$725	248.4	\$180,090.00
Raul Perez	Partner	\$725	49.7	\$36,032.50
Mark Ozzello	Senior Counsel	\$725	49.3	\$35,742.50
Robert Friedl	Senior Counsel	\$695	35.5	\$24,672.50
Ryan Wu	Partner	\$625	205.9	\$128,687.50

<u>Cumulative Lodestar (From Case Inception to Present)</u>				
Name	Position	Rate	Hours	Lodestar
Tarek Zohdy	Senior Counsel	\$525	434.9	\$228,322.50
Eduardo Santos	Senior Counsel	\$495	81.7	\$40,441.50
Theresa Carroll	Senior Counsel	\$495	52.8	\$26,136.00
Karen Wallace	Fmr. Associate	\$395	112.6	\$44,477.00
Cody Padgett	Associate	\$370	269.5	\$99,715.00
Trisha Monesi	Associate	\$295	131.2	\$38,704.00
Jordan Carlson	Associate	\$295	88.6	\$26,137.00
Brooke Waldrop	Associate	\$245	208.6	\$51,107.00
Total			1968.7	\$960,265.00

7. To assist the Court in evaluating the reasonableness of the hours billed by Capstone's attorneys to this litigation, I directed my attorneys and administrative staff to create additional tables that summarize the work performed by each attorney and to associate that time to the major tasks of the litigation. While these tables are in many respects duplicative of those set forth in the Supplemental papers (except, however, that the tables below reflect only Capstone's time; i.e., the tables in the Supplemental papers combine Capstone's time with Mr. Howard Gutman's time), I felt it was necessary to demonstrate to the Court that I personally directed, oversaw and participated in this process. These tables are as follows:

Legal and Factual Analysis of Claims and Defenses

Summary of Major Tasks Performed

Review and analyze articles re problems with Chrysler's ZF transmission; meet with team and consultants to discuss strategy and investigation into cause, nature, and incidence of defect; review class member submissions about their experiences with the subject vehicles and the problems encountered; review interview reports on claims of class members with

Legal and Factual Analysis of Claims and Defenses

Summary of Major Tasks Performed

complete power failure, complete stalling and failure, hard shifting, rough shifting, rpm spikes during acceleration, shift failure, etc.; evidentiary research re FCA's prior knowledge of transmission-related issues (review news articles, blogs, complaints, press releases, etc.); evidentiary research re transmission technology of ZF 9HP auto transmission; review TSBs and owner complaints from NHTSA; review class members' repair orders; confer with clients re bringing vehicles in for further repairs; research related litigation against FCA; analyze documents produced by FCA concerning customer service programs and recalls of subject vehicles; review and analyze TSBs produced by FCA; analyze TSBs and CSNs to correct software defect; review documents regarding recalls of subject vehicles; legal research re recent authority on preemption issues relating to vehicle recalls; consult with expert adviser re nature and possible cause of defect; arrange for vehicle inspection; etc.

Biller and Rate	Hours	Fees
Jordan Lurie (\$725)	9	\$6,525.00
Tarek Zohdy (\$525)	13.9	\$7,297.50
Karen Wallace (\$395)	25.2	\$9,954.00
Cody Padgett (\$370)	25.9	\$9,583.00
Trisha Monesi (\$295)	27.7	\$8,171.50
Total	101.7	\$41,531.00

Pleadings and Miscellaneous Court Filings

Summary of Major Tasks Performed

Draft class action complaint; draft CLRA letter to FCA; communicate with client re CLRA letter facts; evidentiary research re NHTSA complaints and related research re warranties; draft clients' declarations re venue, communicate with clients re same; revise section on recall in complaint; evidentiary research re FCA's agent for service of process; draft stipulation to extent time for FCA to respond to complaint; review notice of interested parties and confer with team re same; research *pro hac vice* application process and requisite filings; research applications by non-resident attorneys; draft first amended complaint; review articles from Leftlanenews and others to gather materials to support knowledge allegations in amended complaint; research requirements to become member of New Jersey bar; draft *pro hac vice* application; draft and file joint report; draft second amended complaint; review FCA's answer to the second amended complaint; review *pro hac vice* applications filed by proposed intervenors; finalize

Pleadings and Miscellaneous Court Filings

Summary of Major Tasks Performed

and file notice of substitution; etc.

Biller and Rate	Hours	Fees
Jordan Lurie (\$725)	13.2	\$9,570.00
Mark Ozzello (\$725)	7.2	\$5,220.00
Tarek Zohdy (\$525)	36.3	\$19,057.50
Cody Padgett (\$370)	23.6	\$8,732.00
Trisha Monesi (\$295)	34.6	\$10,207.00
Total	114.9	\$52,786.50

Written Discovery

Summary of Major Tasks Performed

Communicate with opposing counsel re Rule 26(f) joint status report; draft memorandum regarding Rule 26(f) joint status report; draft Plaintiffs' first set of document requests; supervise service of document requests; confer with opposing counsel re FCA's request for an extension to respond to Plaintiffs' discovery; confer with opposing counsel re protective order; meet and confer with opposing counsel on outstanding discovery; review opposing counsel's draft of the protective order; review letter to magistrate judge re discovery confidentiality order; draft Rule 30b(6) deposition notice; review discovery propounded on the Plaintiffs (total of 6 sets); draft objections to FCA's discovery requests; schedule conferences with clients to discuss their responses to FCA's discovery requests; legal research re interrogatories to three clients pertaining to various issues including scope of discovery, discovery of class-wide damages; draft Plaintiffs' responses to FCA's interrogatories; draft objections and responses to FCA's document requests; legal research re discoverability of communications with experts advisers; review FCA's objections to Plaintiffs' 30(b)(6) deposition notice; confer with team re possible need for third-party subpoenas; draft third-party subpoenas for documents; review documents produced by FCA (over 5,000 pages of documents); meet and confer with opposing counsel re supplemental production; review FCA's supplemental responses to interrogatories; etc.

Biller and Rate	Hours	Fees
Jordan Lurie (\$725)	4.8	\$3,480.00
Robert Friedl (\$695)	27.1	\$18,834.50
Tarek Zohdy (\$525)	15	\$7,875.00
Karen Wallace (\$395)	16	\$6,320.00
Cody Padgett (\$370)	19.8	\$7,326.00

Written Discovery		
<i>Summary of Major Tasks Performed</i>		
Total	82.7	\$43,835.50

Communications with Clients and the Class		
<i>Summary of Major Tasks Performed</i>		
Launch outreach campaign to putative class re Jeep transmission issues; review correspondence from class members in response to FCA outreach; process and evaluate class members' emails and voicemails about the Jeep transmission case; communicate with potential class members re case status and evaluate their claims; confer with class members re their repair attempts; review and analyze class members' repair orders; review correspondence from class members re ineffective software updates; review video sent from class member re engine service needed; respond to class members' questions about the lawsuit; review correspondence from class member with transmission shut downs; process voicemails from class members re transmission problems; respond to class members' questions about the settlement; advise class members about their eligibility for payments from the settlement; communicate with class members re the settlement's terms and membership; respond to class members' questions about the voucher component of the settlement; etc.		
Biller and Rate	Hours	Fees
Jordan Lurie (\$725)	2.7	\$1,957.50
Tarek Zohdy (\$525)	157.9	\$82,897.50
Theresa Carroll (\$495)	52.8	\$26,136.00
Cody Padgett (\$370)	31.9	\$11,803.00
Trisha Monesi (\$295)	63.1	\$18,614.50
Jordan Carlson (\$295)	77.2	\$22,774.00
Brooke Waldrop (\$245)	208.6	\$51,107.00
Total	594.2	\$215,289.50

Case Analysis and Strategy		
<i>Summary of Major Tasks Performed</i>		
Confer with team re litigation strategy and proposed class definition; review notice of trial setting conference; meet with team re litigation strategy and case valuation; confer with New Jersey counsel re possible co-counseling opportunity; review removal papers; draft joint prosecution agreement with co-counsel; communicate with clients re joint prosecution agreement; review schedule for initial status conference; review local rules for New Jersey district courts; arrange to receive		

Case Analysis and Strategy
Summary of Major Tasks Performed

ECF notifications; prepare for and attend telephonic status conferences; oversee arrangements re Plaintiff Nava's withdrawal; confer with team re stipulation to stay; confer with team re settlement strategy; review order lifting stay; review notices of changes of address; etc.

Biller and Rate	Hours	Fees
Jordan Lurie (\$725)	12	\$8,700.00
Ryan Wu (\$625)	2.3	\$1,437.50
Tarek Zohdy (\$525)	26.7	\$14,017.50
Karen Wallace (\$395)	8.5	\$3,357.50
Cody Padgett (\$370)	15.4	\$5,698.00
Trisha Monesi (\$295)	5.8	\$1,711.00
Total	70.7	\$34,921.50

Pre-Settlement Motion Practice
Summary of Major Tasks Performed

Meet and confer with opposing counsel re motion to dismiss and motion to transfer; review motion to dismiss and motion to transfer; draft opposition to motion to transfer; plan and prepare for Rule 7-3 meeting re motion to dismiss; prepare for and attend hearing on motion to transfer; review court's order on motion to transfer to New Jersey; review motion to dismiss the first amended complaint; draft opposition to motion to dismiss; legal research re implied warranty, express warranty and recall for opposition to motion to dismiss; review FCA's reply in support of motion to dismiss; review and analyze order on motion to dismiss; review 45-page decision granting in part and denying in part motion to dismiss in connection with assignment to draft amended complaint; draft stipulation to transfer the case back to California; meet and confer with opposing counsel re stipulation to transfer the action back to California; draft motion to transfer the action back to California; review opposing counsel's letter request to move the hearing date on the motion to transfer; etc.

Biller and Rate	Hours	Fees
Jordan Lurie (\$725)	50.8	\$36,830.00
Robert Friedl (\$695)	8.4	\$5,838.00
Tarek Zohdy (\$525)	28.7	\$15,067.50
Karen Wallace (\$395)	5.5	\$2,172.50
Cody Padgett (\$370)	77.1	\$28,527.00
Total	170.5	\$88,435.00

Mediation and Settlement / Settlement Administration Supervision

Summary of Major Tasks Performed

Meet and confer with opposing counsel re scheduling mediation; confer with team re potential settlement frameworks and mediation strategy; draft settlement demand letter; review FCA's response to the demand letter; correspond with opposing counsel re scheduling mediation and selecting mediator; correspond with opposing counsel to set mediation date; communicate with mediator and opposing counsel to confirm mediation and split of cost; sign agreement to mediate with JAMS; review order referring case to mediation and staying all further proceedings; draft Plaintiffs' mediation statement; review documents produced by FCA for mediation; plan and prepare for mediation and travel to San Francisco; draft proposed settlement term sheet; attend mediation in San Francisco with Judge Infante and return to Los Angeles; review and analyze memorandum regarding FCA's proposed settlement terms; review and revise joint mediation status report; confer with opposing counsel re ongoing settlement negotiations; review and analyze order requiring parties to return to mediation; communicate with team re telephonic hearing with magistrate and mediation strategy; meet and confer with opposing counsel re mediation dates before Judge Infante; review order continuing stay of case pending mediation; draft mediation brief; plan and prepare for mediation; confer with co-counsel re proposed remedies; revise proposed settlement term sheet; travel to San Francisco for mediation; attend mediation and travel back to Los Angeles; draft long-form settlement agreement and class notice; confer with opposing counsel re selection of the settlement administrator; review settlement agreements filed in other cases for other terms to include in settlement; review FCA's edits to the long-form settlement agreement; draft class notice; review FCA's edits to the class notice; draft short form notice and claim form; correspond with opposing counsel re amendment to settlement agreement; review FCA's edits to the proposed amendment to the settlement; draft letter to court re modification to settlement agreement; draft joint request and order to modify approval order; draft and file amended preliminary approval order; supervise administration of settlement and correspond with the administrator re reports on claims statistics; meet and confer with opposing counsel on administration of the settlement and common class member questions about the settlement; review and approve the administrator's settlement website; etc.

Biller and Rate	Hours	Fees
Jordan Lurie (\$725)	138.3	\$100,267.50
Raul Perez (\$725)	49.7	\$36,032.50
Ryan Wu (\$625)	111.1	\$69,437.50
Tarek Zohdy (\$525)	122	\$64,050.00
Eduardo Santos (\$495)	6.4	\$3,168.00

Mediation and Settlement / Settlement Administration Supervision			
<u>Summary of Major Tasks Performed</u>			
Karen Wallace (\$395)	49.7	\$19,631.50	
Cody Padgett (\$370)	56.3	\$20,831.00	
Jordan Carlson (\$295)	11.4	\$3,363.00	
Total	544.9	\$316,781.00	

Settlement Motion Practice			
<u>Summary of Major Tasks Performed</u>			
Draft motion for preliminary approval; draft letter to Court requesting more time to finalize and file the motion for preliminary approval; legal research re Third Circuit case law on preliminary approval; review order granting extension to file motion for preliminary approval; finalize and file the motion for preliminary approval; review request for amicus brief filed by Public Citizen; review filings by Center of Auto Safety re amicus brief; draft opposition to motion for leave for amicus curiae brief; legal research related to opposition to motion for leave for amicus curiae brief; review FCA's opposition to motion for leave to file amicus brief; finalize and file opposition to motion for leave to file amicus brief; review motion to intervene by the LaRoe plaintiffs; review request from opposing counsel re agreement for 2-week extension to respond to interpleaders; review reply by Public Citizen in support of amicus brief; review FCA's opposition to the motion to intervene; review FCA's request for leave to file sur-reply regarding the motion to intervene; review order denying motion to appear amicus curiae and motion to intervene; draft motion for attorneys' fees; draft motion for final approval; draft reply in support of the motion for final approval and response to the objections; review billing and cost records and separate for in-camera submission to Court; prepare for and attend final approval hearing in New Jersey; draft supplemental memorandum of points and authorities in support of the motion for attorneys' fees; etc.			
Biller and Rate	Hours	Fees	
Jordan Lurie (\$725)	17.6	\$12,760.00	
Mark Ozzello (\$725)	42.1	\$30,522.50	
Ryan Wu (\$625)	92.5	\$57,812.50	
Tarek Zohdy (\$525)	34.4	\$18,060.00	
Eduardo Santos (\$495)	75.3	\$37,273.50	
Karen Wallace (\$395)	7.7	\$3,041.50	
Cody Padgett (\$370)	19.5	\$7,215.00	
Total	289.1	\$166,685.00	

8. Cumulatively, time billed by major task/phase of the litigation can be summarized as follows:

Major Task	Biller	Hours	Fees
Legal and Factual Analysis of Claims and Defenses	Jordan Lurie (\$725)	9	\$6,525.00
	Tarek Zohdy (\$525)	13.9	\$7,297.50
	Karen Wallace (\$395)	25.2	\$9,954.00
	Cody Padgett (\$370)	25.9	\$9,583.00
	Trisha Monesi (\$295)	27.7	\$8,171.50
	<u>Total</u>	<u>101.7</u>	<u>\$41,531.00</u>
Pleadings / Non-Motion Court Filings / Pro Hac Vice Applications	Jordan Lurie (\$725)	13.2	\$9,570.00
	Mark Ozzello (\$725)	7.2	\$5,220.00
	Tarek Zohdy (\$525)	36.3	\$19,057.50
	Cody Padgett (\$370)	23.6	\$8,732.00
	Trisha Monesi (\$295)	34.6	\$10,207.00
	<u>Total</u>	<u>114.9</u>	<u>\$52,786.50</u>
Discovery	Jordan Lurie (\$725)	4.8	\$3,480.00
	Robert Friedl (\$695)	27.1	\$18,834.50
	Tarek Zohdy (\$525)	15	\$7,875.00
	Karen Wallace (\$395)	16	\$6,320.00
	Cody Padgett (\$370)	19.8	\$7,326.00
	<u>Total</u>	<u>82.7</u>	<u>\$43,835.50</u>
Communications with Clients and Class	Jordan Lurie (\$725)	2.7	\$1,957.50
	Tarek Zohdy (\$525)	157.9	\$82,897.50
	Theresa Carroll (\$495)	52.8	\$26,136.00
	Cody Padgett (\$370)	31.9	\$11,803.00
	Trisha Monesi (\$295)	63.1	\$18,614.50
	Jordan Carlson (\$295)	77.2	\$22,774.00
Case Analysis / Strategy / Case Management	Brooke Waldrop (\$245)	208.6	\$51,107.00
	<u>Total</u>	<u>594.2</u>	<u>\$215,289.50</u>
	Jordan Lurie (\$725)	12	\$8,700.00
	Ryan Wu (\$625)	2.3	\$1,437.50
	Tarek Zohdy (\$525)	26.7	\$14,017.50
	Karen Wallace (\$395)	8.5	\$3,357.50
Pre-Settlement Motion Practice	Cody Padgett (\$370)	15.4	\$5,698.00
	Trisha Monesi (\$295)	5.8	\$1,711.00
	<u>Total</u>	<u>70.7</u>	<u>\$34,921.50</u>
Pre-Settlement Motion	Jordan Lurie (\$725)	50.8	\$36,830.00
Practice	Robert Friedl (\$695)	8.4	\$5,838.00

Major Task	Biller	Hours	Fees
Mediation / Settlement / Supervision of Settlement Administration	Tarek Zohdy (\$525)	28.7	\$15,067.50
	Karen Wallace (\$395)	5.5	\$2,172.50
	Cody Padgett (\$370)	77.1	\$28,527.00
	<u>Total</u>	<u>170.5</u>	<u>\$88,435.00</u>
	Jordan Lurie (\$725)	138.3	\$100,267.50
	Raul Perez (\$725)	49.7	\$36,032.50
	Ryan Wu (\$625)	111.1	\$69,437.50
	Tarek Zohdy (\$525)	122	\$64,050.00
	Eduardo Santos (\$495)	6.4	\$3,168.00
	Karen Wallace (\$395)	49.7	\$19,631.50
Post Settlement Motion Practice	Cody Padgett (\$370)	56.3	\$20,831.00
	Jordan Carlson (\$295)	11.4	\$3,363.00
	<u>Total</u>	<u>544.9</u>	<u>\$316,781.00</u>
	Jordan Lurie (\$725)	17.6	\$12,760.00
	Mark Ozzello (\$725)	42.1	\$30,522.50
	Ryan Wu (\$625)	92.5	\$57,812.50
	Tarek Zohdy (\$525)	34.4	\$18,060.00
Total	Eduardo Santos (\$495)	75.3	\$37,273.50
	Karen Wallace (\$395)	7.7	\$3,041.50
	Cody Padgett (\$370)	19.5	\$7,215.00
	Grand Total	289.1	\$166,685.00
	Grand Total	1968.7	\$960,265.00

9. Based on information and belief, and my review of the case filings, in *Bang v. BMW of North America, LLC*, No. 2:15-cv-06945-MCA-SCM (D.N.J. Sept. 11, 2018), Judge Madeline C. Arleo approved Capstone's hourly rates. Judge Arleo approved rates for Capstone's Associates at \$245 to \$370 and Senior Counsel/Partners at \$525 to \$725. Attached as Exhibit 2 is a true and correct copy of Judge Arleo's Order Granting Plaintiffs' Unopposed Motion for Attorneys' Fees, Expenses and Incentive Awards.

10. Notably, Judge Arleo approved the same rates for many of the

attorneys who billed to this action, namely: Jordan Lurie (\$725), Robert Friedl (\$695), Ryan Wu (\$625), Tarek Zohdy (\$525), Cody Padgett (\$370), Trisha Monesi (\$295), Jordan Carlson (\$295), and Brooke Waldrop (\$245). Attached as Exhibit 3 is a true and correct copy of the Declaration of Jordan Lurie attesting to the billing rates charged by Capstone to the *Bang v. BMW of North America* action. Judge Arleo specifically ruled that, “after considering Plaintiffs’ motion, memorandum of law and supporting materials (including declarations from counsel) . . . that Plaintiffs’ request for fees, expenses, and the payment of incentive awards is reasonable, permissible under the applicable law, and in accordance with the Settlement Agreement.”

11. Based on information and belief, and my review of the case filings, in *Chan v. Porsche Cars North America, Inc.*, No. 2:15-cv-02106-CCC-JBC (D.N.J. Oct. 6, 2017), Judge Claire C. Cecchi approved Capstone’s rates for Associates (ranging from \$245 to \$495) and Senior Counsel/Of Counsel (\$595 to \$695). Attached as Exhibit 4 is a true and correct copy of the Declaration of Jordan Lurie attesting to the billing rates charged by Capstone to the *Chan v. Porsche Cars North America* action. Judge Cecchi explicitly found that the “rates submitted by Plaintiffs’ Counsel [are] within the range of rates approved **by courts in this district.**” (emphasis added.) Attached as Exhibit 5 is a true and correct copy of Judge Cacchi’s Order Granting Final Approval of the Class Action Settlement and

Motion for Attorneys' Fees, Expenses, and Enhancement Awards.

12. Attached as Exhibit 6 is a true and correct copy of the Declaration of James E. Cecchi ("Cecchi Decl.") filed in connection with the settlement in the matter of *In re Schering-Plough/Merck Merger Litig.*, No. CIVA09-CV-1099DMC, 2010 WL 1257722, at *18 (D.N.J. Mar. 26, 2010).

13. Attached as Exhibit 7 is a true and correct copy of Professor William Rubenstein's declaration filed in the matter of *Asghari v. Volkswagen Group of America, Inc.*, No. 2:13-cv-02529-MMM-VBK (C.D. Cal. Feb. 27, 2015).

14. Based on my review of a summary of invoices, Capstone law incurred a total of \$27,466.83 in out-of-pocket costs and expenses to litigate this action. These costs and expenses are summarized in the table below.

Capstone Law APC – Costs and Expenses		
Date	Cost/Expense Explanation	Amount
06/22/15	FedEx	\$17.22
06/22/15	Postage & Mailings	\$1.19
06/22/15	Postage & Mailings	\$1.19
06/22/15	Postage & Mailings	\$4.06
06/23/15	FedEx	\$17.22
06/23/15	Postage & Mailings	\$1.19
06/23/15	Postage & Mailings	\$32.64
06/26/15	FedEx	\$17.22
06/26/15	FedEx	\$25.39
06/29/15	Postage & Mailings	\$0.48
06/30/15	FedEx	\$17.22
07/01/15	Postage & Mailings	\$1.19
07/02/15	FedEx	\$17.22
07/06/15	Postage & Mailings	\$0.48
07/06/15	Postage & Mailings	\$5.88
07/07/15	Postage & Mailings	\$29.60

Capstone Law APC – Costs and Expenses		
Date	Cost/Expense Explanation	Amount
07/13/15	Postage & Mailings	\$0.49
07/15/15	FedEx	\$17.39
07/16/15	Copying, Printing & Scanning and Facsimiles	\$1.00
07/21/15	Copying, Printing & Scanning and Facsimiles	\$0.25
07/21/15	Copying, Printing & Scanning and Facsimiles	\$0.50
07/23/15	FedEx	\$17.39
07/23/15	Postage & Mailings	\$1.20
07/28/15	ProLegal Courier	\$585.17
07/30/15	Postage & Mailings	\$5.92
08/07/15	Postage & Mailings	\$0.49
08/13/15	Copying, Printing & Scanning and Facsimiles	\$15.25
09/11/15	ProLegal Courier	\$145.75
09/17/15	Copying, Printing & Scanning and Facsimiles	\$0.50
09/28/15	Postage & Mailings	\$1.68
10/02/15	Copying, Printing & Scanning and Facsimiles	\$53.25
10/05/15	Copying, Printing & Scanning and Facsimiles	\$0.75
10/05/15	Copying, Printing & Scanning and Facsimiles	\$1.25
10/07/15	Postage & Mailings	\$1.90
10/29/15	Copying, Printing & Scanning and Facsimiles	\$4.00
11/24/15	ProLegal Courier	\$99.95
12/14/15	Parking on Client Business (Cody Padgett)	\$6.50
12/14/15	Travel-Mileage	\$76.23
01/20/16	Copying, Printing & Scanning and Facsimiles	\$1.00
01/25/16	Copying, Printing & Scanning and Facsimiles	\$0.25
01/25/16	Copying, Printing & Scanning and Facsimiles	\$35.00
01/29/16	Copying, Printing & Scanning and Facsimiles	\$0.25
02/23/16	Postage & Mailings	\$2.52
03/10/16	Postage & Mailings	\$1.64
03/10/16	Postage & Mailings	\$1.64
03/10/16	Postage & Mailings	\$1.64
03/28/16	Telephone (Executive Conferencing)	\$9.18
03/29/16	Howard A. Gutman (reimbursement of court costs)	\$300.00
04/06/16	Copying, Printing & Scanning and Facsimiles	\$0.50
05/06/16	Copying, Printing & Scanning and Facsimiles	\$8.50
05/10/16	Postage & Mailings	\$0.47
05/10/16	Postage & Mailings	\$0.47
05/31/16	Copying, Printing & Scanning and Facsimiles	\$3.25

Capstone Law APC – Costs and Expenses		
Date	Cost/Expense Explanation	Amount
05/31/16	NJ Lawyers' Fund for Client Protection	\$212.00
06/07/16	Postage & Mailings	\$0.90
06/07/16	Postage & Mailings	\$0.90
06/07/16	Postage & Mailings	\$0.90
06/22/16	FedEx	\$23.91
06/22/16	FedEx	\$21.74
06/22/16	FedEx	\$20.72
06/22/16	FedEx	\$20.72
06/24/16	To Howard Gutman, Filing fee Pro Hac Vice to Receive Electronic Notifications	\$150.00
07/05/16	Copying, Printing & Scanning and Facsimiles	\$8.25
07/22/16	Postage & Mailings	\$0.47
07/26/16	Summitt Reprographics	\$40.72
08/31/16	JAMS, Invoice #: 0003823634-100	\$7,450.00
09/29/16	Postage & Mailings	\$0.94
10/31/16	Travel-Airfare (Raul Perez)	\$248.10
10/31/16	Travel-Airfare (Raul Perez)	\$218.10
11/03/16	Travel-Hotel	\$313.23
11/04/16	Travel-Airfare (Virgin America)	\$400.20
11/08/16	Travel-Airfare (Southwest Airlines)	\$503.96
11/14/16	Travel-Meals (Jordan Lurie)	\$10.77
11/14/16	Travel-Meals (Jordan Lurie)	\$15.34
11/14/16	Travel-Meals (Jordan Lurie)	\$6.00
11/14/16	Travel-Meals (Jordan Lurie)	\$15.34
11/14/16	Travel-Taxi (Jordan Lurie)	\$76.91
11/15/16	Parking on Client Business (Jordan Lurie)	\$38.59
11/15/16	Parking on Client Business (Raul Perez)	\$50.53
11/15/16	Parking on Client Business (Tarek Zohdy)	\$30.00
11/15/16	Travel-Expense Reimbursement (Raul Perez)	\$19.98
11/15/16	Travel-Expense Reimbursement (Tarek Zohdy)	\$14.15
11/15/16	Travel-Meals (Jordan Lurie)	\$31.54
11/15/16	Travel-Meals (Tarek Zohdy)	\$13.23
11/15/16	Travel-Meals (Tarek Zohdy)	\$8.50
11/15/16	Travel-Taxi (Jordan Lurie)	\$10.20
11/15/16	Travel-Taxi (Raul Perez)	\$32.46
11/16/16	Travel-Meals (Raul Perez)	\$33.76
11/16/16	Travel-Taxi (Raul Perez)	\$31.59
05/23/17	Telephone (Executive Conferencing)	\$7.11

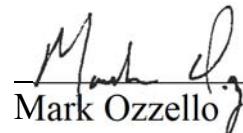
Capstone Law APC – Costs and Expenses		
Date	Cost/Expense Explanation	Amount
06/20/17	JAMS, Invoice #: 0004065714-100 ¹	\$7,632.06
08/17/17	Postage & Mailings	\$0.46
09/13/17	Travel-Airfare (Southwest Airlines)	\$497.96
09/13/17	Travel-Hotel (Mediation)	\$450.07
09/18/17	Travel-Airfare (Virgin America)	\$596.40
09/20/17	FedEx	\$29.04
09/20/17	Postage & Mailings	\$0.46
09/20/17	Travel-Hotel (Mediation) / Refund	-\$450.07
09/25/17	Travel-Airfare (Southwest Airlines)	-\$497.96
09/25/17	Travel-Airfare (Southwest Airlines)	\$248.98
09/26/17	Parking on Client Business (Raul Perez)	\$75.99
09/26/17	Parking on Client Business (Tarek Zohdy)	\$30.00
09/26/17	Telephone (Jordan Lurie Expense Reimbursement)	\$8.00
09/26/17	Travel-Hotel (Raul Perez)	\$407.83
09/26/17	Travel-Airfare (Raul Perez)	\$178.20
09/26/17	Travel-Airfare (Raul Perez)	\$298.20
09/26/17	Travel-Airfare (Raul Perez)	\$25.00
09/26/17	Travel-Expense Reimbursement (Jordan Lurie)	\$33.55
09/26/17	Travel-Expense Reimbursement (Jordan Lurie)	\$8.95
09/26/17	Travel-Expense Reimbursement (Jordan Lurie)	\$10.20
09/26/17	Travel-Expense Reimbursement (Jordan Lurie)	\$47.07
09/26/17	Travel-Expense Reimbursement (Raul Perez)	\$19.98
09/26/17	Travel-Expense Reimbursement (Tarek Zohdy)	\$10.47
09/26/17	Travel-Meals (Jordan Lurie)	\$8.19
09/26/17	Travel-Meals (Raul Perez)	\$44.79
09/26/17	Travel-Meals (Raul Perez)	\$15.53
09/26/17	Travel-Meals (Raul Perez)	\$64.25
09/26/17	Travel-Meals (Tarek Zohdy)	\$7.26
09/26/17	Travel-Taxi (Raul Perez)	\$32.75
09/26/17	Travel-Taxi (Raul Perez)	\$9.05

¹ This charge was double-counted by mistake in Capstone's original cost request because JAMS had erroneously provided Capstone with two separate invoices (with different invoice numbers) for the same charge. The two JAMs invoices are attached as Exhibits 8 and 9.

Capstone Law APC – Costs and Expenses		
Date	Cost/Expense Explanation	Amount
09/26/17	Travel-Taxi (Raul Perez)	\$32.17
09/26/17	Travel-Taxi (Tarek Zohdy)	\$36.96
09/26/17	Travel-Taxi (Tarek Zohdy)	\$37.54
11/22/17	Postage & Mailings	\$2.24
11/22/17	Postage & Mailings	\$1.19
12/06/17	Copying, Printing & Scanning and Facsimiles	\$0.25
01/15/18	Telephone (Executive Conferencing)	\$4.69
01/16/18	Telephone (Executive Conferencing)	\$6.83
01/28/18	PACER	\$0.90
02/12/18	PACER	\$0.50
02/12/18	PACER	\$1.00
02/12/18	ProLegal Courier	\$108.45
02/12/18	ProLegal Courier	\$185.05
02/14/18	Copying, Printing & Scanning and Facsimiles	\$0.25
02/14/18	Postage & Mailings	\$0.47
02/22/18	PACER	\$0.20
02/23/18	PACER	\$2.60
03/05/18	PACER	\$0.20
03/05/18	PACER	\$0.20
03/15/18	PACER	\$4.10
03/19/18	PACER	\$0.10
03/19/18	PACER	\$1.20
03/19/18	PACER	\$2.60
03/20/18	ProLegal Courier	\$203.70
03/22/18	PACER	\$1.10
03/22/18	PACER	\$3.70
03/27/18	PACER	\$0.10
03/27/18	PACER	\$0.10
03/27/18	PACER	\$1.40
06/01/18	Postage & Mailings (Addressers / Mailing to Class Members)	\$4,226.00
06/12/18	FedEx	\$24.45
06/12/18	Postage & Mailings (AccuList)	\$895.20
06/14/18	FedEx	\$28.90
06/20/18	FedEx	\$24.40
06/20/18	FedEx	\$24.40
06/20/18	FedEx	\$24.90
06/20/18	FedEx	\$24.90

Capstone Law APC – Costs and Expenses		
Date	Cost/Expense Explanation	Amount
07/02/18	FedEx	\$31.96
09/10/18	Courthouse News Service	\$5.00
	Total	\$27,466.83

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 22nd day of February, 2019, at Los Angeles, California.



Mark Ozzello